

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|-----------------|
| MARYLAND CASUALTY CO., a/s/o |) | |
| IMAMIA, INC., |) | |
| Plaintiff, |) | 2:14cv245 |
| |) | Electronic Mail |
| vs. |) | |
| |) | |
| PREFERRED FIRE PROTECTION, INC., |) | |
| Defendant. |) | |

ORDER OF COURT

Plaintiff, Maryland Casualty Company, commenced this action on February 24, 2014. [ECF No. 1]. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation [ECF No. 55] filed on January 28, 2016, recommended that Plaintiff Maryland Casualty Company's Motion for Partial Summary Judgment be granted and that Defendant Preferred Fire Protection, Inc.'s Motion for Summary Judgment be denied. Service of the Report and Recommendation was made on all counsel of record on that date. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had until February 11, 2016 to file any written objections, and fourteen days after service of such objections to respond thereto.

On February 22, 2016, Preferred Fire Protection, Inc. filed objections. ECF No. 56]. On February 22, 2016, Maryland Casualty Company filed its objections. [ECF No. 59].

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, and objections thereto, the following order is entered:

AND NOW this 2nd day of March, 2016,

IT IS HEREBY ORDERED THAT Plaintiff Maryland Casualty Company's Motion for Partial Summary Judgment [Doc. 40] is GRANTED. Defendant's tort-based affirmative defenses numbered 13 and 14 are hereby DISMISSED.

IT IS FURTHER ORDERED that Defendant's, Preferred Fire Protection Inc.'s Motion for Summary Judgment [ECF No. 44] is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
Steven L. Smith, Esquire
Ashley N. Rodger, Esquire
Joseph L. Orszulak, II, Esquire
Mark P. Merlini, Jr., Esquire

(Via CM/ECF electronic filing)